

REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-13 and 27-28 are pending in the present application, Claims 1-13 having been amended by the present response, and Claims 27-28 having been added for consideration. Claims 14-26 are previously withdrawn. The changes and additions to the claims do not add new matter and are supported by the originally filed specification, for example, on page 111, line 11 to page 115, line 25; Figures 43-45; and original Claims 1-13.

In the outstanding Action, the specification was objected to; Claims 1-13 were rejected under 35 U.S.C. §112, second paragraph as indefinite; Claims 1-5 and 8-11 were rejected under 35 U.S.C. §112, sixth paragraph; Claims 6 and 7 were rejected under 35 U.S.C. §112, sixth paragraph as being indefinite; Claim 8 was rejected under 35 U.S.C. §101; and Claims 1-13 were rejected under 35 U.S.C. §103(a) as unpatentable over Higashi et al. (U.S. Pat. Pub. No. 2004/0249759) in view of in view of Yodo (E.P. 1,071,031 A1).

With respect to the objection to the specification for failing to provide a proper antecedent basis for the claimed subject matter, the amended claims no longer recite “electronic point amount.” Accordingly, Applicants respectfully submit that objection to the specification is moot and should be withdrawn.

With respect to the objection to Claims 1-13 under 35 U.S.C. §112, second paragraph as indefinite, Claims 1, 8, 12, and 13 have been amended to recite “an electronic purchase request, the electronic purchase request being for purchasing said predetermined content.” Claims 1, 6-8, 12, and 13 have been amended to recite “the table including the content ID and an associated predetermined cost of the predetermined content.” Claims 1, 8, 12, and 13 have been amended to recite “a reception unit configured to receive a table transmitted by said server in response to said request by said request unit, the table including the content ID and

an associated predetermined cost of the predetermined content.” Claims 1, 8, 12, and 13 have been amended to recite “a request unit configured to transmit a request.” Claim 1 has been amended to recite “said utilization-condition storage unit being further a unit configured to update said table on the basis of an update received from said server, the update including a respective content ID and an associated current cost of a respective predetermined content corresponding to the respective content ID which replaces a previous cost of the respective predetermined content.” Claims 6-7 have been amended to recite “an update which includes a respective content ID and an associated current cost of a respective predetermined content corresponding to the respective content ID which replaces a previous cost of the respective predetermined content.” Accordingly, Applicants respectfully submit that the present amendments to the claims overcome this ground of rejection.

With respect to the rejection to Claims 1-5 and 8-11 under 35 U.S.C. §112, sixth paragraph for reciting means-plus-function limitations, Applicants respectfully submit that the present amendments to Claims 1-5 and 8-11 render this ground of rejection moot. Applicants believe the written description implicitly describes the corresponding structure for performing the claimed functions and clearly links the structure to the claimed functions. However, the present amendments are made to forward prosecution.

With respect to the rejection to Claims 6-7 under 35 U.S.C. §112, second paragraph as being indefinite, amended Claims 6-7 no longer recite “electronic point amount.” Accordingly, Applicants respectfully submit that this rejection is moot and should be withdrawn.

With respect to the rejection of Claim 8 under 35 U.S.C. §101 as being directed to two different statutory classes of invention, Claim 8 has been amended to recite “wherein, the utilization-condition storage unit is configured to update the table when an update which includes a respective content ID and an associated current cost of a respective predetermined

content corresponding to the respective content ID which replaces a previous cost of the respective predetermined content is received from said server.” Applicants respectfully submit that Claim 8 does not recite a positive method step but rather a structure that is configured to perform under a specified condition. Accordingly, Applicants respectfully request that the rejection to Claim 8 under 35 U.S.C. § 101 be withdrawn.

With respect to the rejection of Claim 1 under 35 U.S.C. § 103(a) Applicants respectfully traverse this ground of rejection. Claim 1, which has been amended for clarification purposes, recites, *inter alia*,

said terminal including

a storage unit configured to store said contents stored in advance, the contents stored in advance including a plurality of predetermined content;

a request unit configured to transmit a request, which requests utilization of a predetermined content by transmitting a content ID identifying said predetermined content and by transmitting an electronic purchase request, the electronic purchase request being for purchasing said predetermined content, to said server;

a reception unit configured to receive a table transmitted by said server in response to said request by said request unit, the table including the content ID and an associated predetermined cost of the predetermined content;

a utilization-condition storage unit configured to store said table, which is received by said reception unit, said utilization-condition storage unit being further a unit configured to update said table on the basis of an update received from said server, the update including a respective content ID and an associated current cost of a respective predetermined content corresponding to the respective content ID, the associated current cost replacing a previous cost of the respective predetermined content.

Applicants submit that Higashi in view of Yodo fail to disclose or suggest at least these features of amended Claim 1.

Higashi describes a content using apparatus for providing content use to a user under a license. (See Abstract). Higashi, in Figure 2, shows the content using apparatus 103 including a content storage unit 203, a billing unit 211, and a content use management unit 215. (See Higashi, Figure 2). The content use management unit 215, as shown in Figure 9, includes a license ticket (LT) database 901 which includes Usable license tickets 404 (LT1-3). (See Higashi, Figure 9). Higashi also describes a distribution center 101 comprising a right management server 101b for distributing value information which includes electronic value information (currencies), discount coupons, and premium content. (See Higashi, para. [0058]-[0059], [0065]-[0066], Figure 1).

The Office Action appears to assert that the content use management unit 215 of Higashi corresponds to “utilization-condition storage means for storing said utilization condition and said table, which are received by said reception means, said utilization-condition storage means being further a means for updating said table on the basis of a content ID and an update of said electronic point amount, which are received from said server,” as recited in previously presented Claim 1. (See Office Action, Page 10). The content use management unit 215 of Higashi has a License Ticket database 901 for managing License Tickets (LTs) 404 which can be usable License Tickets (LTs) and a usage history database 902 for managing the License Tickets (LTs) 804 which have been used. (See Higashi, para. [0111], Figure 9). A Usable License Ticket 404 is comprised of a LT header 501, which includes a Content ID 513 (as content ID), and a value information tag block 504 (as an associated predetermined cost). (See Higashi, Figure 5). The value information block 504 includes a Tag value 601, Value information ID 602, Value information giving condition 603, Discount ticket applicable condition 604, and a Discount amount 605. However, neither the Tag value 601, Value information ID 602, Value information giving condition 603, Discount ticket applicable condition 604, or the Discount amount 605 store a predetermined

cost associated with the Content ID 513 which may be updated by the content use management unit 215 (as a utilization-condition storage unit) based upon an update including a respective Content ID 513 and an associated current cost received from the distribution center 101 (as a server).

Higashi does describe storing in the value information storage unit 21, a value information management table 800 which includes value information ID 801 (as a content ID) and value information entity 802 (as an associated predetermined cost) received from the control unit 212. (See Higashi, para [0103]-[0108], Fig. 8). The value information entity 802 may store actual value information or discount ticket information as shown in Figure 6. However, Higashi does not describe updating the value information entity 802 from a predetermined value information associated with a Content ID 513 to a current value information received from the distribution center 101.

Therefore, Higashi does not disclose or suggest “a reception unit configured *to receive a table transmitted by said server in response to said request by said request unit, the table including the content ID and an associated predetermined cost of the predetermined content*; a utilization-condition storage unit configured to store said table, which is received by said reception unit, said utilization-condition storage unit being further a unit configured *to update said table on the basis of an update received from said server, the update including a respective content ID and an associated current cost of a respective predetermined content corresponding to the respective content ID, the associated current cost replacing a previous cost of the respective predetermined content*,” as recited in amended Claim 1.

Accordingly, Applicant respectfully submits that amended Claim 1 (and all associated dependent claims) patentably distinguishes over Higashi.

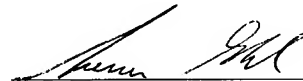
Yodo has been considered but fails to remedy the deficiencies of Higashi with regard to amended Claim 1. Therefore, Applicants submit that amended Claim 1 (and all associated dependent claims) patentable distinguishes over Higashi and Yodo, either alone or in proper combination.

Additionally, amended independent Claims 2, 6-8, and 12-13 recite features similar to those of amended Claim 1 discussed above. Thus, Applicants respectfully submit that amended Claims 2, 6-8, and 12-13 patentably distinguish over Higashi and Yodo, either alone or in proper combination.

Consequently, in light of the above discussion and in view of the present amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

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